

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DANA LYNN SARGENT,

Plaintiff,

V.

THE STATE OF WASHINGTON,
LISA GILMAN, in her official and
personal capacity,

Defendant.

CASE NO. 3:18-cv-05119-RBL

**ORDER ON PLAINTIFF'S MOTION
FOR RECONSIDERATION**

THIS MATTER is before the Court on Plaintiff Sargent's Motion for Reconsideration of the Court's ruling granting Defendant's Motion for Summary Judgment. Dkt. #51.

In denying Sargent’s Motion for Continuance, the Court noted that Sargent propounded no discovery between the time she filed the case in January 2018 and the time the State moved for Summary Judgment in September 2018. Sargent states that her prior counsel “began preparation of discovery requests” before she withdrew, and also notes that the case was removed and involves “voluminous documents.” Sargent also points out that she propounded discovery requests in November 2018, after responding to the State’s Motion for Summary Judgment. The parties have also scheduled depositions of Lisa Gilman, Tienney Milnor, Scott Marlow, and Carlos Ferreira in January and February. Sargent also elaborates on her line of

1 questioning with respect to the malice and prosecutorial independence requirements for
2 malicious prosecution.

3 Under LCR 7(h)(3), the Court cannot grant a Motion for Reconsideration without
4 affording the opposing party an opportunity to respond. The State should file any Response to
5 Sargent's Motion within 7 days of this Order. It should address any further responses to
6 Sargent's contention that she has diligently pursued discovery. It should also address Sargent's
7 proposed line of questioning at the depositions and in her interrogatories, including analysis of
8 whether this discovery could possibly vindicate her claims. Additionally, the State's Response
9 should address the requirement that there be "some basis for believing that the information
10 sought actually exists." *VISA Int'l Serv. Ass'n v. Bankcard Holders of Am.*, 784 F.2d 1472, 1475
11 (9th Cir.1986). The Motion for Reconsideration is RE-NOTED for January 24.

12 IT IS SO ORDERED.

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14 Dated this 17th day of January, 2019.

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Ronald B. Leighton

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18 Ronald B. Leighton
19 United States District Judge
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